



1 **Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of**
2 **Managers, November 8, 2010**

3
4
5 WCD Offices, 1380 W. Frontage Road, Hwy. 36
6 Stillwater, MN 55082

APPROVED

Formatted

7
8 **ROLL CALL**

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Rick Vanzwol, Vice-President	Debbie Meister, Recorder
Connie Taillon, Treasurer	Michael Welch, Legal Counsel
Gerald Johnson, Secretary	Ryan Fleming, EOR
Gail Pundsack, Vice-President	Camilla Correll, EOR
	Eli Rupnow, EOR
	Mark Youngdahl, Fairway Villas

9
10
11 **1. Call Regular Meeting to order @ 6:30 PM.**

12 President Leiser called the meeting to at 6:31 PM.

13
14 **2. Approve Regular Meeting Agenda and Discussion Agenda**

15 **Manager Taillon, seconded by Manager Vanzwol, moved to approve the Regular**
16 **Meeting agenda and discussion agenda as amended. Motion carried, vote 5/0.**

17
18 **3. Public Comments**

19 President Leiser stated that he sent an email to the Managers about Stu Grubb's need for a
20 kidney transplant. Donation information was included in the email.

21
22 **4. Approve Board Meeting Minutes**

23 **a) October 11, 2010 Regular Meeting—Board Action**

24 **Manager Taillon moved, seconded by Manager Vanzwol, to approve the October 11,**
25 **2010 Regular Meeting minutes as amended. Motion carried, vote 4/0/1. Manager**
26 **Pundsack abstained.**

27
28 **5. Permits – BCWD #07-07 Fairway Villas — Update**

29 Administrator Kill reported that the revised set of plans was received. The plans were
30 reviewed and approved by EOR. The permit is now extended until August 31, 2012.

1 **6. Opportunities for Iron Enhanced Sand Installation—Update**

2 Ms. Correll highlighted the updates in the text of the memo and clarified that the statement
3 “the iron in the media needs to oxidize” means that the iron must be thoroughly dried out
4 between storm events. Eli Rupnow (EOR) reported on his field research and findings, which
5 identified five potential sites for iron enhanced sand treatments. These potential sites were
6 discussed at a staff level with the City of Stillwater and the St. Anthony Falls Laboratory.
7 Although a cost estimate was not included, Ms. Correll estimated the cost to be \$30,000 to
8 \$60,000 per site, with a possible doubling for a project along or at the diversion structure
9 because of the increased difficulties posed by the location. The Managers agreed these costs
10 are considerably lower than Stillwater’s estimate of \$1.5 million for treatment at the
11 diversion structure. Administrator Kill noted that the enhanced iron sand could take out
12 dissolved phosphorus, as well as phosphorus attached to solids. The Managers discussed the
13 pros and cons of each site and expressed their willingness to be innovative to enhance water
14 quality, as reflected in the Herberger’s Pond and Goggins projects. The Managers all
15 expressed a preference for Site #2.

16
17 **Manager Vanzwol moved, seconded by Manager Johnson, to authorize EOR to prepare**
18 **a scope of work including a timeline and cost estimate for the installation and a 10-year**
19 **maintenance plan for an iron enhanced BMP at Site #2—Settlers Glen 5th Addition.**
20 **Motion carried, vote 5/0.**
21

22 Manager Johnson suggested discussing this BMP and possible city involvement—providing
23 land, equipment and/or maintenance—with the City of Stillwater. Legal counsel
24 recommended that the District review its watershed management plan and determine whether
25 an amendment should be pursued to add the project as a capital improvement or the project is
26 better described as a demonstration.. Managers agreed that moving ahead with this project
27 will provide time to position the District for grant opportunities.
28

29 **7. Treasurer’s Report**

30 **a) Review Authorized Funds Spreadsheet**

31 Administrator Kill summarized two small changes to the spreadsheet.

32 **Manager Vanzwol moved, seconded by Manager Taillon, to accept the November 8,**
33 **2010 authorized funds spreadsheet as presented. Motion carried, vote 5/0.**
34

35 **b) Permit Fee Statements Review**

36 Administrator Kill stated that many permits were closed, a few applications were
37 received, a few permittees are eligible for repayment and few permits are close to being
38 completed.
39

40 **c) Current Items Payable -- Board Action**

41 **Manager Taillon moved, seconded by Manager Vanzwol, to approve the current**
42 **items payable in the amount of \$153,991.31. Motion carried, roll call vote 5/0.**
43

44 Administrator Kill noted payment to Stillwater Country Club. The project—now
45 complete—came within \$2,000 of the budget. The small overage was due to additional
46 fill. At the BWSR Academy, administrators were informed that BWSR would like board

1 approval of grant fund expenditures. President Leiser requested a resolution outlining
2 what was funded and what was expended for approval next month.

3
4 **d) Washington County Wire Transfer Payment Option Request—Board Action**

5 Administrator Kill stated that Washington County requested its taxing jurisdictions make
6 use of wire transfers. A response is requested by November 15.

7
8 **Manager Johnson moved, seconded by Manager Taillon, to approve the wire**
9 **transfer payment option. Motion carried, vote 5/0.**

10
11 President Leiser signed the enrollment form for transfer deposits into the District's
12 checking account.

13
14 **e) Certificates of Deposit—Board Action**

15 Administrator Kill reported that two CDs are maturing in November. After looking at the
16 District cash flow and comparing bank rates, she recommended staggering the purchase
17 of two CDs. She will make a recommendation in December for a CD that will be
18 maturing.

19
20 **Manager Vanzwol moved, seconded by Manager Taillon, to purchase a \$125,000**
21 **seven-month CD from Lake Area Bank at the rate of .90 percent and a \$100,000 12-**
22 **month CD from American Bank at the rate of 1.05 percent. Motion carried, vote**
23 **5/0.**

24
25 **8. Projects/Programs**

26 **a) BWSR Clean Water Fund Grant: Stillwater Country Club—Approval of**
27 **Payment—Board Action**

28 See above.

29
30 **b) Former Jackson WMA Property--Update**

31 Administrator Kill reported that both District purchase offers to the Department of
32 Natural Resources (DNR) were declined. There was a winning bid of \$190,000 at the
33 public auction. The Jackson grandchildren are seeking legal counsel to try to negate the
34 sale within the 90-day window. The Board felt it was effectively closed out of the bidding
35 process because the DNR did not provide enough time for the District to hold a public
36 hearing on using levy funds to purchase the property or work with the County Board on a
37 loan. Ray Bohn (MAWD) suggested that the District prepare a resolution for the MAWD
38 Annual Meeting pointing out the inadequacy of the appraisal and sale notification process.

39
40 **President Leiser moved, seconded by Manager Vanzwol, to direct Legal Counsel,**
41 **with input from the Administrator and the President, to draft a resolution to**
42 **present to the Minnesota Association of Watershed Districts and direct the**
43 **President to sign the resolution. Motion carried, vote 4/0/1, with President Leiser**
44 **recusing himself.**

45

1 It was agreed that the resolution would be provided to the MAWD Resolution Committee
2 by November 19. The Managers also agreed not to interject the District into any legal
3 action that may be initiated by the Jackson family.
4

5 **c) Long Lake Outlet Modeling Scope-- Board Action**

6 Ryan Fleming summarized the three questions the configuration modeling will answer.
7 Discussion focused on what is the benefit of the modeling in light of the extensive
8 investigation already done related to the drawdown and the v-notch compromise. Mr.
9 Fleming stated that proceeding with the modeling will provide the tools to analyze the
10 impact to Long Lake and the parameters for updating the District hydrologic model.
11

12 **Manager Vanzwol moved, seconded by Manager Pundsack, to include the Long**
13 **Lake Outlet Configuration Modeling in the 2012 budget process. Motion carried,**
14 **vote 5/0.**
15

16 **9. New Business**

17 **a) Washington Conservation District Service Contract 2011-12— Board Action**

18 Administrator Kill reported that District policy provides for a 45-day review period. The
19 two-year contract covers administrative services not to exceed \$121,900 in 2011 and
20 \$124,600 in 2012 and hourly rates for the BMP and monitoring programs and
21 miscellaneous services.
22

23 **Manager Vanzwol moved, seconded by Manager Pundsack, that because the**
24 **language of the 2011-2012 contract so closely mirrors the 2009-2010 contract, the**
25 **Board waives the 45-day review period and approves the Washington Conservation**
26 **District Service Contract. Motion carried, vote 5/0.**
27

28 The District Secretary and Legal Counsel signed the contract.
29

30 **b) RFQ for Legal, Engineering, Accounting and Auditing Services-- Board Action**

31 Administrator Kill reported that the Board is required to select general service contractors
32 biannually.

33 **President Leiser moved, seconded by Manager Johnson, to authorize the**
34 **Administrator to post an RFQ for legal, engineering, accounting and auditing**
35 **services for two weekly cycles in the State Register. Motion carried, vote 5/0.**
36

37 **c) MAWD Resolutions —Board Action**

38 President Leiser reported that John Lennes of Carnelian-Marine-St. Croix Watershed
39 District sent comments on some of the resolutions. He, administrator Kill and Manager
40 Pundsack plan to attend the Annual Meeting.
41

42 **d) MAWD Delegate Selections—Board Action**

43 **Manager Vanzwol moved, seconded by Manager Taillon, to authorize President**
44 **Leiser to represent BCWD and Manager Pundsack to serve as the alternate delegate.**
45 **Motion carried, vote 4/0/1, with President Leiser recusing himself.**
46
47

1 **e) Wetland Preservation –Discussion**

2 President Leiser reported on disturbances to a private property wetland and the adjacent
3 road in the City of Hugo due to four wheeling. Administrator Kill will talk with the
4 wetland conservation officer responsible for enforcing the Wetland Conservation Act
5 (WCA).
6

7 Managers mentioned seasonal wetlands related to grazing and the public debate over
8 allowing seasonal wetland acreage to be included in the total property acreage when
9 calculating the number of allowable animals. Because these issues fall under WCA,
10 Administrator Kill suggested having a WCA presentation. Although BCWD is not
11 responsible for enforcing WCA, Brown's Creek does have a floodplain fill rule, which
12 can provide wetland preservation as well.
13

14 **10. Old Business**

15 **a) Water Quality Manual**

16 Administrator Kill reported that Angie Hong and the MS4 tool kits have a manual.
17 President Leiser stated that he will get three more kits so each manager has one.
18

19 **11. Discussion Agenda – No Action Required**

20 **a) Administrator Updates**

21 Administrator Kill reported:

22 **a. Permit Updates**

23 Updates are in the Board packets—things are looking good.
24

25 **b. Water Resources Conference**

26 Sessions attended included a study on asphalt and concrete pervious pavements with
27 the goal to reduce salt usage in winter, a Shoreview presentation on pervious concrete
28 and agricultural practices including a Wisconsin Discovery Farms Project that tests
29 farm runoff.
30

31 **c. BWSR Academy**

32 A three-day academy for WD's and SWCD's provided the opportunity to share
33 information such as budgets (most districts kept budgets flat) and covering better grant
34 writing and reporting, data practices and technical information such as native seeding
35 guidelines.
36

37 **d. Brown's Creek Biota TMDL**

38 The plan is at the EPA for approval. This is the last step.
39

40 **• Long Lake Native Buffer Grant**

41 The District received a grant of \$45,000 and contributed a \$15,000 match. Last year
42 the District sprayed a portion of the buffer and just sprayed again this fall. Sentence to
43 Serve will be doing buckthorn management. Next year the area will be sprayed, if
44 necessary, and will be planted.
45
46
47

1 **b) Communications & Manager Reports**

2 • **Multi-government Roundtable**

3 President Leiser reported that he attended the Roundtable, which the League of Cities
4 has now joined. The group prioritized the need for watershed management, basin
5 management and state water funding. Subcommittees have all met. The next
6 roundtable is on January 10.

7
8 **c) December 2010 BCWD Board Agenda**

9
10 **12. Adjournment**

11 Manager Johnson moved, seconded by Manager Tailon, to adjourn at 9:17 PM.

12 Motion carried, vote 5/0.

13
14
15 Respectfully Submitted by
16 Debbie Meister, Recorder

17

DRAFT